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DEPARTMENT OF TRANSPORTATION
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January 27, 2003

U.S. Department of Transportation
Docket Management
Room PL-401
400 Seventh Street, SW
Washington, DC 20590

RE: NHTSA Docket No. 02-13546; Notice 1
Event Data Recorders

Dear Madam/Sir:

Thank you for the opportunity to comment regarding the future role that NHTSA should take related to the continued development and installation of Event Data Recorders (EDRs) in motor vehicles. The following are our comments to the seventeen questions that NHTSA presented in the above-referenced docket.

1. Significant Safety Potential – Event data recorders can be incorporated into a broader class of devices, accident notification systems, which can have direct and immediate benefit to accident victims in their survivability during a serious accident. Victims' survival is based on receiving aid in the first hour following an accident. This is referred to as the "Golden Hour." Victims who receive assistance in this first hour have a much better chance of survival. This is critical in rural and remote areas in instances when the victim is rendered unconscious by the crash and there are no witnesses to call for assistance.

NHTSA should consider encouraging new vehicle manufacturers to include this technology as standard equipment and other suppliers to develop inexpensive after-market devices that can be available for older vehicles.

2. In all likelihood, a variety of EDR devices will be necessary depending on the type of vehicle. For instance, school buses and long-distance trucks may require very different data collection for post-crash analysis. Differing equipment, operating conditions, vehicle uses, and accident data information needs would justify a variety of EDR devices. Further, benefit-cost analysis would likely show that for certain types of vehicles that are in continuous use (revenue or commercial service) additional benefits would inure to those operators, justifying costs for more enhanced technology and measurements, compared to that which might be useful for individual passenger vehicles. Vehicles in

public transportation (buses, taxis, etc.) should be considered for a greater application of EDR technologies for the safety benefits that will inure to the public.

3. The data should clearly be used for preventative safety efforts. The purpose for using EDR and attendant information should be properly set forth and faithfully followed, otherwise the information goes beyond safety to areas of potential controversy, such as, accident liability, increased insurance costs, greater litigation, etc. The data should be used for overall safety and engineering purposes; it should not be considered dispositive of causation of individual accident occurrences.

4. Through the tracking of trends in the information, emphasis can be given to increased focus on safety effects to reduce trends in accidents.

5 We have not used EDR data in the referenced databases

6. New ITS technologies are evolving in crash prevention, which would include proximity sensors to warn drivers in advance of crashes. Safe following distances between vehicles at high speed is a major concern in the effort to prevent crashes. Such ITS technology employed with an EDR device could conceivably assist in tracking reckless driving at high speeds and could be very helpful in reducing serious accidents. Such would be a matter for study.

7. A national database makes sense, recognizing the significant interstate commerce and mobility on our nation's road systems. Safety agencies of the government, including commercial vehicle safety oversight, should be the main entities maintaining the databases. Highway safety experts should structure the databases to discern trends in repetitive crashes, noting injury severity, for best use.

8. It is suggested that the American Association of State Highway and Transportation Officials (AASHTO) and the American Association of Motor Vehicle Administrators (AAMVA) be included in the development of standards, particularly regarding the elements of data that are to be collected, how the data are to be collected, and how the associated expenses are to be covered.

9. Standardization is desired. In addition, we should consider consultation with our NAFTA partners, Canada and Mexico, in the standardization of EDR devices for vehicles in operation in North America.

10. Data elements deemed advisable by highway and vehicle safety experts, with proper safeguards regarding personal identifiers, would be appropriate.

11. The period of time for retention of data in the device should be dictated by the shortest period reasonably needed for useful safety analysis of the most complex or time-consuming element.

12. Storage and collection decisions should be dictated by the safety benefits derived Identification to specific vehicles of the location and time of occurrence should be essentially limited for purposes of timely emergency response to accident victims.

Location information could also be useful in identifying places for road safety improvement, if EDRs are widely implemented.

13. Training is dependent upon the complexity of the EDR system. Training is deemed important to assure consistency and reliability in data collection activities.

14. EDR systems should be crash-hardened, tamper resistant and weatherproof. Seals or other indicators may be included to indicate whether the device has been disturbed.

15. New technology should always be explored, developed, and implemented to enhance public safety.

16. Care must be taken to assure that only information needed for public safety is collected. Too much information not only raises greater privacy concerns; it also can be overwhelming and reduce the benefits of the data, for safety efforts.

Consideration must be given to the laws that will apply regarding these new technologies. Clear distinction between transportation safety and other uses must be set forth. Clear distinction between civil safety endeavors and criminal law enforcement must be made, with protections accorded for constitutional rights against warrantless searches and invasions of privacy.

Federal and state laws should be reviewed, perhaps through a national conference, and a uniform system developed regarding the legal system to surround such new technologies. The data collection may be stymied for safety purposes if there is a concern over litigation or use of data for liability purposes. Uses other than safety may have to be precluded by law in order to assure the integrity and usefulness of the data collected for public safety. The public's input is critical on these issues.

17. NHTSA should continue to meet its mandate for vehicle safety. Technical consultation, such as the outreach of this docket, should continue. Standardization and harmonization should be encouraged. The very significant policy matters on privacy should be addressed by the public through its representatives in the legislative branch.

Thank you for your kind consideration of the aforementioned comments.

Sincerely yours,

John F. Lettiere
Acting Commissioner